

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED 06/27/05  
05 JUN 27 PM 12:31

ROBERT A. DI NOLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

BRUCE CARD,

Plaintiff,

vs.

No. 03-2528 MI/An

AMISUB (SFH), INC. d/b/a ST.  
FRANCIS HOSPITAL and  
B. LAWSON, M.S.,

Defendants.

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ORDER DENYING MOTION TO COMPEL

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Before the Court is Plaintiff's Motion to Compel filed on June 17, 2005. Plaintiff failed to file a Certificate of Consultation as required by Local Rule 7.2(a)(1)(B) of the Local Rules of the United States District Court for the Western District of Tennessee. Local Rule 7.2(a)(1)(B) provides:

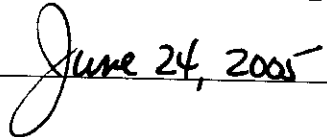
Consultation by Counsel. All motions, including discovery motions, but not including motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a certificate of counsel (with one copy) affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion.

The certificate must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file certificate to that effect, setting out counsel's efforts to comply with this rule.

Therefore, the motion is **DENIED** without prejudice. Plaintiff is welcome to re-file the instant motion after complying with the Local Rules.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

DATE  \_\_\_\_\_



## Notice of Distribution

This notice confirms a copy of the document docketed as number 41 in case 2:03-CV-02528 was distributed by fax, mail, or direct printing on June 28, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT